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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/523,827

Applicant(s)

BIES, RICHARD J.

Examiner

NNENNA N. EKPO

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 10**, recites the limitation “the cable network” in line 8. There is insufficient antecedent basis for this limitation in the claim. Since **claims 11-15, 21 and 22** are dependent on **claim 10**, they inherit the same problem.

Response to Arguments

2. Applicant's arguments filed 03/22/2010 have been fully considered but they are not persuasive.
3. Applicant argues on pages 12+ of the 03/22/2010 Remarks that Yamamoto does not disclose advertising information, but rather discloses interactive coupon channel.

In response to Applicant's argument, Examiner respectfully disagrees. The term “advertising” is very broad and can be interpreted as a coupon, a paid announcement, newspaper, magazine etc. Dictionary.com defines coupon as “a detachable part, as of a ticket or advertisement, that entitles the bearer to certain benefits, such as a cash refund or gift”. Yamamoto also discloses on col. 4, lines 25-34, that in addition to local program insertion, the local studio 106 can insert advertising content. Product

supplemental information relating to the advertising for participating merchants 122 can also be inserted. Product supplemental information can include information relating to the goods or services being advertised in the commercial. In addition to goods and services, coupons and other information services can be made available to the viewer, which in one embodiment can be obtained via the merchant's 122 web site 124 on the internet.

4. Applicant also argues on pages 13+ of the 03/22/2010 Remarks that Yamamoto fails to specifically disclose "wherein the user search is an advertiser search command that comprises at least a category of advertising, and wherein the advertising information retriever retrieves the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographical location" as now recited in claims 1 and 16.

In response to argument, Examiner disagrees. Yamamoto discloses wherein the user search is an advertiser search command that comprises at least a category of advertising in the abstract, lines 1-4, col. 2, lines 25-38, col. 7, lines 27-39, figs. 6 and 7, a user can search for coupons/advertisements by keywords or category, the system can display numerous options such as category prompts, search prompts etc. When a user selects the category option, a plurality of merchants and service categories are displayed. Yamamoto also discloses wherein the advertising information retriever retrieves the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographical location in col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user

related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located.

5. Applicant also argues on pages 16+ of the 03/22/2010 Remarks that neither Miller nor Yamamoto fail to specifically disclose "generating advertising information adapted for transmission over the cable network" as recited in claim 10.

In response to argument, Examiner disagrees. Yamamoto discloses generating advertising information adapted for transmission over the cable network in col. 2, lines 59-col. 3, line 13, fig. 1, the local studio 106 can insert additional programming (e.g., regional programming) and/or advertisements as needed into the programming content. The content with the insertions is then transmitted from the local studio 106 via a satellite transmission transceiver 114 to a cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-4, 7, 9 and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (U.S. Patent No. 7,302,696).

Regarding **claim 1**, Yamamoto discloses a television network content delivery system configured to provide advertising information via a digital broadcast channel of a television network which is a cable network or a satellite network, said television network content delivery system comprising (see fig. 1):

a data gateway configured to store the advertising information, the advertising information being adapted by a cable content generator for transmission over the digital broadcast channel of the television network based on content information received from an advertiser (merchant, 122) over an internet (internet, 124) (see col. 4, lines 39-55 and fig. 1);

an advertising information retriever configured to process a user search received via the digital broadcast channel of the television network, and to retrieve the advertising information from said data gateway based on the user search (see col. 2, lines 21-28); and

an advertising information provider configured to transmit, based on the user search, advertising information retrieved by said advertising information retriever via the digital broadcast channel of the television network (see col. 7, lines 54-63, fig 5 (506)),

wherein the user search is an advertiser search command that comprises at least a category of advertising (see abstract, lines 1-4, col. 2, lines 25-38, col. 7, lines 27-39, figs. 6 and 7, a user can search for coupons/advertisements by keywords or category, the system can display numerous options such as category prompts, search prompts etc. When a user selects the category option, a plurality of merchants and service categories are displayed),

wherein the advertising information retriever retrieves the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographical location (see col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located).

Regarding **claim 2**, Yamamoto discloses everything claimed as applied above (see *claim 1*). Yamamoto discloses wherein the user search is transmitted by a user via a set-top box or a television to the digital broadcast channel of the television network (see figs 4-16, col. 11, lines 29-56),

based on the designated category, the advertising information retriever searches advertising information listings stored in the data gateway and selects the advertising listings that match the designated category and other criteria (see col. 7, lines 27-53), and

the set-top box or the television is connected to the television network via at least one of a cable wire, an antenna receiving a television broadcast frequency, a satellite dish or other wireless connection (see col. 3, lines 14-25 and fig. 1).

Regarding **claim 3**, Yamamoto discloses everything claimed as applied (see *claim 1*). The television network content delivery system, wherein the advertising information includes at least one of an advertiser listing (see fig. 5 (Nordstroms, Pottery Barn, North Face)), a text message (see col. 7, lines 49-53), a survey questionnaire, a picture (see figs. 14 and 15), an audio clip, and a video clip (see figs. 5, 14, 15 and col. 7, lines 49-53).

Regarding **claim 4**, Yamamoto discloses everything claimed as applied (see *claim 1*). The television network content delivery system, wherein the television network content delivery system is implemented as at least two data processors comprising a cable headend server (H/E, 306) and a master server (source, 304) (see fig 3).

Regarding **claim 7**, Yamamoto discloses everything claimed as applied (see *claim 1*). The television network content delivery system, wherein the category of

advertising is one of a field of business endeavor of the advertiser, type of organization of the advertiser, and type of product advertised by the advertiser (dinning, furniture, music & videos, sporting goods etc.) (see col. 7, lines 31-39 and fig. 6).

Regarding **claim 9**, Yamamoto discloses everything claimed as applied (see *claim 1*). The television network content delivery system, wherein the advertising information retriever is further configured to process another user search including one of a response to a survey questionnaire transmitted to the user as the advertising information and an order for a selected product (see figs. 15 and 16, col. 9, lines 43-col. 10, line 43).

Regarding **claim 20**, Yamamoto discloses everything claimed as applied (see *claim 1*). The television network content delivery system wherein the user search is provided to the television network via the satellite network and wherein the advertising content is provided as an overlay on a television channel being viewed by the user (see figs. 1-3, col. 12, lines 9-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 10-11, 13-14, 16-17, 19, 21 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Publication No. 2003/0040970) and Yamamoto (U.S. Patent No. 7,302,696).

Regarding **claim 10**, Miller discloses an advertising content interface configured to provide advertising information adapted for transmission over a digital broadcast channel of a network by a network headend, said advertising content interface comprising:

- an interface unit configured to receive content information from an advertiser via an internet (see paragraph 0005 and fig 1);

- a cable content generator configured to process the content information received by said advertiser interface and to generate advertising information adapted for transmission over the network (see paragraph 0005 and fig. 1); and

- a data gateway configured to store the advertising information generated by said content generator and to respond to an information demand from the network by providing the advertising information to the network server for transmission over the network (see paragraphs 0048 and 0072).

In an analogous art, Yamamoto discloses a data gateway configured to store the advertising information generated by said cable content generator and to respond to an information demand from the cable network by providing the advertising information to the cable network headend for transmission over the cable network (see col. 4, lines 39-55 and fig. 1, col. 2, lines 21-28, col. 7, lines 54-63, fig 5 (506)), and

generating advertising information adapted for transmission over the cable network (see col. 2, lines 59-col. 3, line 13, fig. 1, the local studio 106 can insert additional programming (e.g., regional programming) and/or advertisements as needed into the programming content. The content with the insertions is then transmitted from the local studio 106 via a satellite transmission transceiver 114 to a cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Miller to include a data gateway configured to store the advertising information generated by said cable content generator and to respond to an information demand from the cable network by providing the advertising information to the cable network headend for transmission over the cable network as taught by Yamamoto for the advantage of transmitting coupons/advertisements in a cable/satellite environment.

Regarding **claim 11**, Miller and Yamamoto discloses everything claimed as applied (*see claim 10*). Yamamoto discloses the advertising content interface, wherein the data gateway provides the advertising information to the cable network headend (distribution center, 306) for transmission over the cable network responsive to the information demand, the information demand being a transmission of a user command over the cable network by a user (see fig. 3, col. 5, lines 18-col. 6, lines 55).

Regarding **claim 13**, Miller and Yamamoto discloses everything claimed as applied (*see claim 10*). Yamamoto discloses the television network content delivery system, wherein the advertising information includes at least one of an advertiser listing (*see fig. 5 (Nordstroms, Pottery Barn, North Face)*), a text message (*see col. 7, lines 49-53*), a survey questionnaire, a picture (*see figs. 14 and 15*), an audio clip, and a video clip (*see figs. 5, 14, 15 and col. 7, lines 49-53*).

Regarding **claim 14**, Miller and Yamamoto discloses everything claimed as applied (*see claim 10*). Yamamoto discloses the advertising content interface, further comprising a business mediator (merchant, 122), configured to validate an order from the advertiser, the order requesting transmission of the content information to be transmitted (*see fig 2*).

Regarding **claim 16**, Miller discloses a method of receiving content information and to provide advertising information over a network, said method comprising:

receiving content information from an advertiser via an internet (*see paragraph 0005 and fig 1*);

processing the content information received and generating advertising information adapted for transmission over the network (*see paragraph 0005 and fig 1*).

However, Miller is silent on receiving via the digital broadcast channel of the television network an advertising search and retrieving the stored advertising information according to the advertising search; and

providing the retrieved advertising information via the digital broadcast channel of the television network.

In an analogous art, Yamamoto discloses a method of receiving content information and to provide advertising information over a cable network, said method comprising:

receiving content information from an advertiser via an internet (see col. 4, lines 21-38, fig. 1);

processing the content information received and generating advertising information adapted for transmission over the cable network (see col. 4, lines 57-col. 5, line 58, col. 7, lines 1-12);

storing the generated advertising information (see col. 4, lines 39-55, fig. 1);

receiving via the digital broadcast channel of the television network which comprises the cable network or the satellite network an advertising search and retrieving the stored advertising information according to the advertising search (see col. 2, lines 21-28, fig. 1); and

providing the retrieved advertising information via the digital broadcast channel of the television network (see col. 7, lines 54-63),

wherein the user search is an advertiser search command that comprises at least a category of advertising (see abstract, lines 1-4, col. 2, lines 25-38, col. 7, lines 27-39, figs. 6 and 7, a user can search for coupons/advertisements by keywords or category, the system can display numerous options such as category prompts, search prompts

etc. When a user selects the category option, a plurality of merchants and service categories are displayed),

wherein the advertising information retriever retrieves the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographical location (see col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Miller to include receiving via the digital broadcast channel of the television network an advertising search and retrieving the stored advertising information according to the advertising search; and providing the retrieved advertising information via the digital broadcast channel of the television network as taught by Yamamoto for the advantage transmitting coupons/advertisements in a cable/satellite environment.

Regarding **claim 17**, Miller and Yamamoto discloses everything claimed as applied (*see claim 1*). Yamamoto discloses the television network content delivery system, wherein the advertising information includes at least one of an advertiser listing (see fig. 5 (Nordstroms, Pottery Barn, North Face)), a text message (see col. 7, lines 49-53), a survey questionnaire, a picture (see figs. 14 and 15), an audio clip, and a video clip (see figs. 5, 14, 15 and col. 7, lines 49-53).

Regarding **claim 19**, Miller and Yamamoto discloses everything claimed as applied (*see claim 16*). Yamamoto discloses the television network content delivery system, wherein the advertising information retriever is further configured to process another user search including one of a response to a survey questionnaire transmitted to the user as the advertising information and an order for a selected product (see figs. 15 and 16, col. 9, lines 43-col. 10, line 43).

Regarding **claim 21**, Miller and Yamamoto discloses everything claimed as applied (*see claim 16*). Yamamoto discloses wherein the cable content generator converts the processed content information received in an internet format into a cable network format or a satellite network that is retrieved by the retriever as an overlay over any of the cable network or the satellite network channels as requested by the retriever (see col. 7, lines 1-67, col. 9, lines 35-49, col. 11, lines 57-col. 12, line 24 and figs. 4-16).

Regarding **claim 22**, Miller and Yamamoto discloses everything claimed as applied (*see claim 16*). Yamamoto discloses wherein the cable content generator generates advertising information adapted for transmission over a satellite network (*see* figs. 1 and 2).

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 7,302,696) as applied to *claim 1* above, and further in view of Finseth et al. (U.S. Publication No. 2009/0193458).

Regarding **claim 8**, Yamamoto discloses everything claimed as applied above (*see claim 1*). However, Yamamoto fails to specifically disclose a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed.

In an analogous art, Finseth et al. discloses a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed (*see* paragraph 0107).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Yamamoto to include a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast

channel of the television network, the report indicating the number of times the advertising information was viewed as taught by Finseth et al. for the advantage of providing statistics valuable information which may later be used by the broadcast provider or advertisers to better target and price advertising.

9. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 7,302,696) as applied to *claim 5* above, and further in view of Marshall et al. (U.S. Publication No. 2001/0042251).

Regarding **claim 6**, Yamamoto discloses everything claimed as applied above (*see claim 5*). Yamamoto discloses the television network content delivery system, wherein the advertiser search command includes at least one of an advertising information geographic selection and an advertising information temporal selection, selecting, respectively, advertising information designated by the advertiser for a designated geographical area and advertising information designated by the advertiser (see col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located).

However, Yamamoto is silent as to designating time period.

Marshall et al. discloses designating time period (see paragraph 0023).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Yamamoto to include designating time period as taught by Marshall et al. for the advantage of reducing the burden on the system and results in quicker processing, as well as more relevant output.

10. **Claims 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Publication No. 2003/0040970) and Yamamoto (U.S. Patent No. 7,302,696) as applied to *claim 10* above, and further in view of Marshall et al. (U.S. Publication No. 2001/0042251).

Regarding **claim 12**, Miller and Yamamoto discloses everything claimed as applied above (*see claim 5*). Yamamoto discloses the television network content delivery system, wherein the advertiser search command includes at least one of an advertising information geographic selection and an advertising information temporal selection, selecting, respectively, advertising information designated by the advertiser for a designated geographical area and advertising information designated by the advertiser (see col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's

search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located).

However, Miller and Yamamoto are silent as to designating time period.

Marshall et al. discloses designating time period (see paragraph 0023).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Miller and Yamamoto to include designating time period as taught by Marshall et al. for the advantage of reducing the burden on the system and results in quicker processing, as well as more relevant output.

Regarding **claim 18**, Miller and Yamamoto discloses everything claimed as applied above (*see claim 5*). Yamamoto discloses the television network content delivery system, wherein the advertiser search command includes at least one of the advertising information geographic selection and an advertising information temporal selection, selecting, respectively, advertising information designated by the advertiser for the designated geographical location and advertising information designated by the advertiser (see col. 11, lines 14-28, col. 12, lines 5-9, col. 13, lines 5-8, based on the user related data, a search can be performed in the database that match the geographical location of the user. Also another correlation can be performed to further narrow the entries by keeping only entries that are related to the subject matter or user's

search. It is obvious that whatever is feed to the system is what the system produces, so for example, a user in Maryland might specify to obtain information about a product in Virginia and the system will search for the product in the designated area, a user can search for any information he/she desires no matter where the user is located).

However, Miller and Yamamoto are silent as to designating time period.

Marshall et al. discloses designating time period (see paragraph 0023).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Miller and Yamamoto to include designating time period as taught by Marshall et al. for the advantage of reducing the burden on the system and results in quicker processing, as well as more relevant output.

11. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Publication No. 2003/0040970) and Yamamoto (U.S. Patent No. 7,302,696) as applied to *claim 10* above, and further in view of Finseth et al. (U.S. Publication No. 2009/0193458).

Regarding **claim 15**, Miller and Yamamoto discloses everything claimed as applied above (*see claim 1*). However, Miller and Yamamoto fails to specifically disclose a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed.

In an analogous art, Finseth et al. discloses a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed (see paragraph 0107).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Miller and Yamamoto to include a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed as taught by Finseth et al. for the advantage of providing statistics valuable information which may later be used by the broadcast provider or advertisers to better target and price advertising.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NNENNA N. EKPO** whose telephone number is (571)270-1663. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner, Art Unit 2425
June 17, 2010.

/Brian T. Pendleton/

Application/Control Number: 10/523,827

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Supervisory Patent Examiner, Art Unit 2425